

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR PROTECTION	:	
CORPORATION,	:	
	:	
Plaintiff-Applicant,	:	
	:	
v.	:	
	:	
BERNARD L. MADOFF INVESTMENT	:	SIPA Liquidation
SECURITIES LLC,	:	No. 08-01789 (SMB)
	:	(Substantively Consolidated)
Defendant.	:	
	:	
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In re	:	
	:	
BERNARD L. MADOFF,	:	Applicable to the Adversary Proceedings
	:	Listed in Exhibits A-C to the Court's Order
Debtor.	:	Dated December 10, 2014, ECF No. 8800
	:	
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**THIRD STIPULATION AND ORDER MODIFYING  
THE ORDER CONCERNING FURTHER PROCEEDINGS ON  
EXTRATERRITORIALITY MOTION AND TRUSTEE'S OMNIBUS  
MOTION FOR LEAVE TO REPLEAD AND FOR LIMITED DISCOVERY**

WHEREAS:

A. On December 10, 2014, the Court entered an Order Concerning Further Proceedings on Extraterritoriality Motion and Trustee's Omnibus Motion for Leave to Replead and for Limited Discovery, ECF No. 8800 (the "Scheduling Order").

B. On January 13, 2015, the Court entered a Stipulation and Order Modifying the Order Concerning Further Proceedings on Extraterritoriality Motion and Trustee's Omnibus Motion for Leave to Replead and for Limited Discovery, ECF No. 8990.

C. On February 24, 2015, the Court entered a Second Stipulation and Order Modifying the Order Concerning Further Proceedings on Extraterritoriality Motion and Trustee's Omnibus Motion for Leave to Replead and for Limited Discovery, ECF No. 9350.

D. Paragraphs 2, 3, and 8 of the Scheduling Order provide certain deadlines for the parties to file their respective submissions in connection with the Extraterritoriality Issue<sup>1</sup> and the Trustee's motion for leave to replead.

E. The Scheduling Order permits the Trustee to file, among other things, proposed amended complaints and/or proffered allegations pertaining to the Extraterritoriality Issue.

F. A number of disputes have arisen with certain producing parties ("Producing Parties") regarding the confidential status of documents and the Trustee's ability to serve on the Defendants and liaison counsel for the Transferee Defendants ("Liaison Counsel) and/or to publicly file with the Court proposed amended complaints or proffered allegations pertaining to the Extraterritoriality Issue to the extent they are derived from information or material contained in documents designated by the Producing Parties as "confidential" pursuant to the Litigation Protective Order.

G. While many of the disputes have been voluntarily resolved, the Trustee represents that there continue to be disputes regarding the confidential designation of approximately 7,000 documents produced by ten Producing Parties relevant to the Trustee's submissions on the Extraterritoriality Issue in approximately 70 of the 93 cases subject to the Scheduling Order.

H. The parties requested an informal conference with the Court, which was held on March 18, 2015. At the conference, the Court directed the parties to confer with the relevant Producing Parties and Liaison Counsel regarding a process for expeditiously resolving the

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<sup>1</sup> Any terms not defined herein take their meaning from the Scheduling Order.

disputes pertaining to the confidential designation of documents, and the scheduling of the submissions under the Scheduling Order.

I. Counsel for the Trustee and the undersigned Liaison Counsel have conferred and agree, subject to Court approval, to extend the dates by which the parties must file their respective submissions with the Court under the Scheduling Order, while the Trustee seeks to resolve through expedited arbitration as many disputes as possible pertaining to the designation as confidential of documents that the Trustee considers to be relevant to the Extraterritoriality Issue in order to limit the number, if any, of the proposed amended complaints and proffered allegations that must be filed in redacted form or under seal with the Court.

J. The Trustee's counsel has advised Liaison Counsel that agreement has been reached with several of the key Producing Parties to voluntarily arbitrate disputes pertaining to the documents designated as confidential that the Trustee considers to be relevant to the Extraterritoriality Issue, and that they are in negotiations seeking the same process with regard to the remaining Producing Parties with which there are pending disputes. The Trustee intends to file with the Court as soon as possible a consented-to stipulation with the Producing Parties that have agreed to arbitrate these disputes.

K. Paragraph 19 of the Scheduling Order provides, "This Order may be modified by the Court sua sponte or at the request of any party for good cause shown."

NOW, THEREFORE, subject to the approval of the Court, it is hereby STIPULATED AND AGREED:

1. Paragraph 3 of the Scheduling Order is hereby modified to extend the time by which the Trustee and SIPC may file their submissions to June 30, 2015.

2. Paragraph 8 of the Scheduling Order is hereby modified to extend the time by which the Transferee Defendants may file their submissions to September 30, 2015.

3. The Court will hold oral argument on the issues set forth in paragraph 1 of the Scheduling Order at a date to be fixed by the Court.

Dated: New York, New York  
March 31, 2015

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*Liaison Counsel for the Transferee Defendants*

Dated: New York, New York  
March 31<sup>st</sup>, 2015

SO ORDERED.

/s/ STUART M. BERNSTEIN

THE HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE